

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-SEVENTH LEGISLATURE

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**THIRTY-SECOND LEGISLATIVE DAY  
THURSDAY, FEBRUARY 12, 2004**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Burkett, Cameron, Keough, Malepeai, McWilliams, Pearce, Richardson, Schroeder, Stennett, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Shaylor Anderson, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

Senators Malepeai, McWilliams, Schroeder, Stennett, and Sweet were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 11, 2004, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

### Petitions, Resolutions, and Memorials

#### SCR 123

#### BY STATE AFFAIRS COMMITTEE A CONCURRENT RESOLUTION

EXTENDING SINCERE APPRECIATION AND CONGRATULATIONS TO THE FAMILY OF D.L. EVANS AND THE EMPLOYEES OF D.L. EVANS BANK FOR ACHIEVEMENT OF THEIR CENTENNIAL ANNIVERSARY CELEBRATING ONE HUNDRED YEARS OF SERVICE WITHIN IDAHO AND ACKNOWLEDGMENT OF THE SERVICES THE BANK HAS PROVIDED TO IDAHO FAMILIES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, it is fitting and appropriate that the Senate and the House of Representatives, acting on behalf of the people of the state of Idaho extend sincere appreciation and congratulations to the D.L. Evans Bank on the achievement of its landmark "Centennial Anniversary"; and

WHEREAS, on September 15, 1904, State Senator D.L. Evans, who served in the Idaho Senate in 1903-04 and 1923-24, opened his first bank in a one-story frame building in Albion, Idaho, to create a small, independent bank to serve the financial needs of pioneer families and businesses settling the vast sagebrush covered western desert; and

WHEREAS, the institution that D.L. Evans created has been inherited by five family generations, with former Governor John V. Evans Sr. as its current president, John V. Evans Jr. as its chief executive officer, and other members of the Evans family as employees and members of the Board of Directors; and

WHEREAS, John V. Evans Sr., in addition to serving as Governor of Idaho, also served the people of Idaho as Mayor of Malad City, State Senator and Majority and Minority Leader of the Idaho Senate, and Lieutenant Governor; and

WHEREAS, the D.L. Evans Bank has provided Idaho's farmers, businesses and consumers with a secure, local financial institution for loans, savings, deposits, real estate mortgages and other financial needs and has been steadfast in its service despite floods, fires, droughts, and other natural disasters that through time have threatened their customers' financial assets; and

WHEREAS, the D.L. Evans Bank is continuing to successfully expand its business into other Idaho cities like Meridian, Ketchum and Boise; and

WHEREAS, the D.L. Evans Bank is the second largest community bank headquartered in southern Idaho with \$388 million in assets and \$345 million in deposits; and

WHEREAS, Senator Evans' initial investment of \$25,000 has grown substantially during the one hundred years and now has twelve offices in the Magic, Treasure and Wood River Valleys of southern Idaho embracing D.L. Evans' philosophy that "...if the Bank provided its customers close, friendly personal customer service, they would be customers for life"; and

WHEREAS, the political, community and financial contributions to the state of Idaho by the Evans family over more than five generations have served as an example to all Idahoans whether in public service or the private sector; and

WHEREAS, the impact of Senator D.L. Evans and his family has been positive and appreciated by the residents of the state of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that we extend appreciation and congratulations to the family of D.L. Evans and the employees of the D.L. Evans Bank for one hundred years of service within Idaho and we acknowledge the services to the families of Idaho.

SCR 123 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senators Burkett and Keough were recorded present at this order of business.

February 12, 2004

The JUDICIARY AND RULES Committee reports that **S 1299, S 1300, S 1301, SCR 122, and SJM 106** have been correctly printed.

DARRINGTON, Chairman

**S 1299, S 1300, and S 1301** were referred to the Health and Welfare Committee.

**SCR 122** and **SJM 106** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 11, 2004

The JUDICIARY AND RULES Committee reports that **SCR 119** has been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **SCR 119** and ordered it transmitted to the House for the signature of the Speaker.

February 11, 2004

The JUDICIARY AND RULES Committee reports that Enrolled **SCR 118** was delivered to the Office of the Secretary of State at 2:20 p.m., February 11, 2004.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 11, 2004

The JUDICIARY AND RULES Committee reports that Enrolled **S 1219** and **S 1231** were delivered to the Office of the Governor at 2:35 p.m., February 11, 2004.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 12, 2004

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 477, H 478, H 479, and H 481** with the recommendation that they do pass.

BUNDERSON, Chairman

**H 477, H 478, H 479, and H 481** were filed for second reading.

February 11, 2004

The JUDICIARY AND RULES Committee reports out **S 1244, S 1245, S 1246, S 1247, S 1248, S 1249, S 1250, and S 1251** with the recommendation that they do pass.

DARRINGTON, Chairman

**S 1244, S 1245, S 1246, S 1247, S 1248, S 1249, S 1250, and S 1251** were filed for second reading.

February 11, 2004

The STATE AFFAIRS Committee reports out **S 1252, S 1265, and S 1282** with the recommendation that they do pass.

SORENSEN, Chairman

**S 1252, S 1265, and S 1282** were filed for second reading.

February 11, 2004

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Craig Hill to the Lake Pend Oreille Basin Commission, term to expire July 24, 2004.

NOH, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

February 11, 2004

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Judi Danielson of Boise, Idaho, was appointed as a member of the Pacific Northwest Electric Power and Conservation Planning Council to serve a term commencing January 15, 2004, and expiring January 15, 2007.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

The Senate advanced to the Ninth Order of Business.

#### **Messages from the House**

February 11, 2004

Mr. President:

I transmit herewith **H 614, H 615, H 486, H 498, and HJR 9** which have passed the House.

JUKER, Chief Clerk

**H 614, H 615, H 486, H 498, and HJR 9** were filed for first reading.

The Senate advanced to the Tenth Order of Business.

#### **Motions and Resolutions**

Senator Cameron was recorded present at this order of business.

The President Pro Tempore announced that **SJM 105** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Kennedy, seconded by Senator Stegner, **SJM 105** was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

#### **Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials**

##### **S 1302**

##### **BY JUDICIARY AND RULES COMMITTEE**

##### **AN ACT**

RELATING TO GUARDIANS OF MINORS; AMENDING SECTION 15-5-207, IDAHO CODE, TO REVISE PROCEDURES RELATING TO COURT APPOINTMENT OF GUARDIANS OF MINORS TO PROVIDE FOR DE FACTO CUSTODIANS, TO REQUIRE THE COURT TO APPOINT AN ATTORNEY FOR A MINOR UPON THE FILING OF A PETITION FOR THE APPOINTMENT OF A GUARDIAN OF THE MINOR, TO PROVIDE FOR THE POWERS AND DUTIES OF THE ATTORNEY AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING PART 2, CHAPTER 5, TITLE 15, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 15-5-213, IDAHO CODE, TO PROVIDE FOR DE FACTO CUSTODIANS.

##### **S 1303**

##### **BY JUDICIARY AND RULES COMMITTEE**

##### **AN ACT**

RELATING TO PROBATE OF WILLS AND FILING OF CLAIMS; AMENDING SECTION 15-3-803, IDAHO CODE, TO CHANGE THE TIME LIMIT FOR FILING OF CLAIMS AND TO MAKE A TECHNICAL CORRECTION.

##### **S 1304**

##### **BY JUDICIARY AND RULES COMMITTEE**

##### **AN ACT**

RELATING TO HOMESTEAD RIGHTS; REPEALING SECTION 55-1010, IDAHO CODE; AND AMENDING CHAPTER 10, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-1010, IDAHO CODE, TO ESTABLISH LIMITS ON LIABILITY OF THE HOMESTEAD FOR DEBTS OF THE OWNER.

##### **S 1305**

##### **BY STATE AFFAIRS COMMITTEE**

##### **AN ACT**

RELATING TO THE IDAHO COMMISSION ON THE ARTS; AMENDING SECTION 67-5601, IDAHO CODE, TO REVISE THE DECLARATION OF POLICY; AMENDING SECTION 67-5602, IDAHO CODE, TO STRIKE RESTRICTIVE LANGUAGE; AMENDING SECTION 67-5604, IDAHO CODE, TO PROVIDE ADMINISTRATIVE AUTHORITY IN THE EXECUTIVE DIRECTOR; AMENDING SECTION 67-5605, IDAHO CODE, TO STRIKE OBSOLETE PROVISIONS; AMENDING SECTION 67-5606, IDAHO CODE, TO ADD SERVICES AUTHORIZED; AMENDING SECTION 67-5607, IDAHO CODE, TO CORRECT REFERENCE TO THE NATIONAL ENDOWMENT FOR THE ARTS; AND AMENDING SECTION 67-5608, IDAHO CODE, TO STRIKE OBSOLETE LANGUAGE.

##### **S 1306**

##### **BY STATE AFFAIRS COMMITTEE**

##### **AN ACT**

RELATING TO THE INVESTMENT OF PERMANENT FUNDS; AMENDING SECTION 57-720, IDAHO CODE, TO CLARIFY MARKET VALUE ALLOCATION BETWEEN THE PERMANENT ENDOWMENT FUNDS AND THE EARNINGS RESERVE FUNDS; AMENDING SECTION 57-724, IDAHO CODE, TO ESTABLISH BENCHMARK VALUES TO BE ANNUALLY MODIFIED FOR COMPARISON WITH THE CURRENT MARKET VALUE OF THE PERMANENT ENDOWMENT FUND, TO PROVIDE FOR MAKING UP LOSSES TO THE PUBLIC SCHOOL PERMANENT ENDOWMENT FUND AND TO PROVIDE FOR REDUCING TRANSFERS OR APPROPRIATIONS WHICH EXCEED A BENCHMARK VALUE; AMENDING SECTION 57-724A, IDAHO CODE, TO REVISE THE DEFINITION OF "EARNINGS"; DECLARING AN EMERGENCY FOR SECTIONS 1 AND 2 OF THIS ACT; AND PROVIDING AN EFFECTIVE DATE FOR SECTION 3 OF THIS ACT.

**S 1307**  
**BY LOCAL GOVERNMENT AND TAXATION**  
**COMMITTEE**  
**AN ACT**

RELATING TO LOCAL LAND USE PLANNING; AMENDING SECTION 67-6508, IDAHO CODE, TO PROVIDE THAT THE ANALYSIS OF KNOWN WILDLAND FIRE HAZARDS SHALL BE A COMPONENT IN THE COMPREHENSIVE PLANNING PROCESS OF A PLANNING OR PLANNING AND ZONING COMMISSION UNLESS THE PLAN SPECIFIES REASONS WHY IT IS UNNEEDED; AMENDING CHAPTER 65, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6514A, IDAHO CODE, TO PROVIDE A DEADLINE FOR THE REVIEW AND NECESSARY AMENDMENTS OF CERTAIN PLANS AND ORDINANCES BY GOVERNING BOARDS RELATING TO THE ANALYSIS OF KNOWN WILDLAND FIRE HAZARDS AND TO REQUIRE SPECIFIED NOTICE AND HEARING.

**S 1302, S 1303, S 1304, S 1305, S 1306, and S 1307** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 614 and H 615**, by Agricultural Affairs Committee, were introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

**H 486 and H 498**, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**HJR 9**, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**S 1226, S 1276, and S 1277**, by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

**S 1291**, by Health and Welfare Committee, was read the second time at length and filed for third reading.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Stegner, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:45 a.m. until the hour of 11 a.m., Friday, February 13, 2004.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary